

Message Text

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ACTION AID-59

INFO OCT-01 EA-09 ISO-00 EB-07 IGA-01 L-03 /080 W

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P 090906Z OCT 75

FM AMEMBASSY MANILA

TO USDA/FAS/WASHDC PRIORITY

INFO SECSTATE WASHDC 8352

DPDR FAC DET GUAM

CINCPACREP GUAM

UNCLAS MANILA 14278

FAS/W/POD/PL 480 LEO WALLACE

CINCPACREP FOR AID REP HERBERT AND CDR OWENS/NSD

GUAM FOR DIRPOWERS DPDR

SUBJECT: PL 480 RICE - GUAM

TOFAS 175. 1. MET WITH TOYO MENKA TODAY TO DISCUSS QUALIFICATIONS OF THEIR BID. FOLLOWING QUALIFICATIONS ENUMERATED BY TOYO:

(A) SELLER TO ARRANGE FOBING BETWEEN WAREHOUSE AND VESSEL. FOBING CONSIST OF (1) ARRANGING FOR HAULING WAREHOUSE TO PIER, (2) STEVEDORING CHARGES FROM PIER TO VESSEL, (3) ARRANGING FOR SUPERINTENDENCE SURVEY, (4) APPOINTING A FREIGHT FORWARDER TO COORDINATE FOBING FUNCTIONS.

COMMENT: TOYO WOULD PROVIDE IN CONTRACT AND L/C THAT IN ADDITION TO \$152 PER METRIC TON, EX WAREHOUSE PRICE, BUYER WILL PAY SELLER SPECIFIED FOBING CHARGES UP TO \$20.94 PER METRIC TON UPON SELLER'S PRESENTATION OF APPROPRIATE VOUCHERS. TOYO WOULD NOT PAY SUPERINTENDENCE CHARGE AS THAT IS A NORMAL SELLER'S COST. TO THE EXTENT THAT OTHER FOBING COST EXCEED 20.94 PER METRIC TON ALL SUCH COST WOULD BE PAID BY THE SELLER.

(B) TOYO WOULD HAVE SMALL CHARTER VESSEL LOAD 1,600

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M.T. BY OCT. 31 AND WOULD HAVE BALANCE LOADED ON SCHEDULED

FREIGHT LINER BY NOV. 15. COMMENT: CMDR. OWENS GUAM INDICATED THAT IT ABSOLUTELY IMPERATIVE HE HAVE WAREHOUSE SPACE BY NOV. 1.

(C) TOYO'S IRREVOCABLE L/C IN U.S. DOLLARS WOULD BE BETWEEN THEIR TOKYO BANK AND CORRESPONDING BANK OUR CHOICE MANILA (FNCB). L/C WOULD SPECIFY PAYMENT UPON PRESENTATION OF FOLLOWING DOCUMENTS:

- (1) INVOICE FROM THE AGRICULTURAL ATTACHE;
- (2) FOBING CHARGE VOUCHERS;
- (3) B/L FULL SET (FEIGHT COLLECT);
- (4) QUALITY MEMORANDUM STATEMENT;
- (5) WEIGHT CERTIFICATE
- (6) PACKING LIST.

COMMENT: AGATTACHE CAN COMPLY PROVIDED THAT FOB SALE ALLOWED SO THAT B/L WILL BE MADE TO AGATTACHE MANILA AND PROVIDED THAT GUAM CAN APPOINT SUPERINTENDENCE COMPANY WHOSE SERVICES WOULD INCLUDE PACKING LIST IN ADDITION TO WEIGHT CERTIFICATION, I.E., IDENTIFY WEIGHT OF BAGS AND GIVE BAG COUNT.

2. FOR YOUR INFORMATION RE FOBING COST, FOLLOWING INFO SUPPLIED BY NSD GUAM AT AN EARLIER DATE: QUOTE. ESTIMATED COST PER METRIC TON OF MOVING RICE FROM NSD TO SHIPSIDE AND SUBSEQUENT LOADING ON BOARD SHIP IS:

(A) IF VESSEL'S DRAFT WILL NOT EXCEED 28 FEET AFTER COMPLETION OF LOADING OPERATION, VESSEL CAN BE LOADED AT X-RAY PIER WHICH IS ADJACENT TO THE STORAGE WAREHOUSE, AND COST WILL BE \$18.37 PER METRIC TON.

(B) IF LOADING OPERATION WILL BE CONDUCTED AT SIERRA OR TANGO PIER, IT WILL INVOLVE TRUCKING THE RICE AND COST WILL BE \$20.94 PER METRIC TON. END OF QUOTE.

3. POWERS DPDR GUAM CALLED THIS MORNING AND ADVISED THAT MR. GREGORY DAVID, AMBYTH, INC., P.O. 7246, TAMUNING, GUAM, THE BIDDER WHO SUBMITTED THE SECOND HIGH OF \$123.42 PER M.T., WAS IN HIS OFFICE AND WOULD LIKE TO TALK TO ME. MR. DAVID TOLD ME THAT HE UNDERSTOOD THAT THE HIGH BID WAS A QUALIFIED BID AND THAT SINCE THE BID TENDER SPECIFIED "AS IS WHERE IS" HE WOULD FILE A PROTEST IF THE BID IS AWARDED ON ANY UNCLASSIFIED

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OTHER BASIS. I TOLD MR. DAVID THAT THE HIGH BID WAS EX WAREHOUSE BASIS BUT THAT IN ADDITION THERE WERE SOME OTHER QUALIFICATIONS AND THAT I WAS IN THE PROCESS OF SEEKING THE ADVICE OF FAS/W ON HOW TO AWARD THE BID OR IF IT WAS TO BE AWARDED. DAVID REITERATED THAT ACCEPTING A QUALIFIED BID WOULD BE UNFAIR AND HE WOULD PROTEST SUCH AN ACTION.

4. CONSIDERING NAVY'S RATHER FIRM POSITION ON NEED FOR WARE-

HOUSE SPACE AND POSSIBLE LEGAL ACTION AGAINST USDA BY DAVID
IF BID AWARDED TO TOYO, PLEASE ADVISE AGATTACHE HOW TO
PROCEED WITH RICE SALE. NEED ANSWER BY YOUR COB THURSDAY,
IF AT ALL POSSIBLE.

5. FYI: TOYO WILLING TO SEND A MAN TO GUAM FGH PURPOSE OF
ADVISING FREIGHT FORWARDER OR NAVY ON HOW TO COORDINATE
FOBBING IN A WAY THAT WILL PRODUCE ALL THE NECESSARY
DOCUMENTS FOR OPENING L/C.

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TAGS: EAID, US, RP
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